

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Subsidized Industrial Housing Scheme – Cancellation of allotment of Quarter No.SRT-374, Sanathnagar, Hyderabad - Orders – Issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (LAB.III) DEPARTMENT

G.O.Rt.No. 1357

Dated the 7th September, 2009.

Read:

From the Commissioner of Labour, Hyderabad, Letter No.H1/SR-374/SNC,
dated 05.08.2008.

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O R D E R:

In the letter read above, the Commissioner of Labour, Hyderabad has reported that the Quarter No.SRT.374, Sanathnagar was allotted to Sri Waheed Baig an Industrial Worker, Sanathnagar in the year 1962 on rental basis. Subsequently, the quarter was allotted to him on hire purchase scheme during the year 1972, however during inspection made in the year 1974, it was noticed that the quarter was under occupation of Sri Venkatachalam since 1966 and, therefore, a notice was issued to Sri Waheed Baig for cancellation of allotment of quarter. Though Sri Venkatachalam had paid first instalment amount of Rs.2,043/- towards hire purchase scheme, the lease-cum-sale agreement was not registered since the quarter was under occupation of Sri Venkatachalam instead of Sri Waheed Baig, original allottee. Sri Waheed baig has entered into an agreement with Sri Venkatachalam in the year 1976 for sale of the above property and for specific performance of agreement of sale, the matter was litigated upto the Supreme Court and the Supreme Court has issued certain directions.

2. When the Judgment of the Hon'ble Supreme Court of India along with the material available on records were examined in consultation with the Law Department it has been observed that Sri Waheed Baig, original allottee of SRT 374 Sanathnagar, had violated rental agreements and also terms and conditions prescribed under Rules, 8, 9 and 12 of lease-cum-sale agreement under Subsidized Industrial Housing Scheme.

3. The Supreme Court of India in its judgment in Civil Appeal No.1055/02, dated 21.04.2008 has held that the title in the property still vests in the Government as the Quarter was not registered in favour of the original allottee. Therefore, he has no right to sell or alienate the property to any other person. It has been also noticed that in terms of the agreement, notice was also given to the original allottee to reside in the property failing which the allotment of the same would be cancelled, more particularly, when there was sub-letting. As the Government has constructed the quarters for the industrial workers on rental basis and subsequently there was a decision to sell those to the Industrial workers, who were residing in such quarters for the benefit of Industrial workers. Thus, the original allottee Sri Waheed Baig had no alienable right in the property. There was a clear stipulation that the lessee is not the owner of the property and did not have any right to sell or mortgage or otherwise to dispose of the property. The title in the property still vests in the Government.

4. In view of the above, the allotment of Quarter No.SRT-374, Sanathnagar made in favour of Sri Waheed Baig is liable to be cancelled as he has violated the Subsidized Industrial Housing Scheme Rules.

5. Accordingly, the allotment of Quarter No.SRT-374, Sanathnagar made in favour of Sri Waheed Baig under SIHS Rules is hereby cancelled.

6. The Commissioner of Labour, Hyderabad is directed to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

BHANWAR LAL,
Principal Secretary to Government.

To
The Commissioner of Labour, Hyderabad.
Sf/Sc.

// Forwarded By Order //

Section Officer.